

Gardening!

Following is the list of articles necessary to carry on the work successfully:

1. RUBBER HOSE.
2. SPRINKLER.
3. MOWER.
4. WHEELBARROW.
5. SHEARS.
6. SPADE.
7. HOE.
8. SHOVEL.
9. RAKE.
10. TROWEL.
11. FORK.
12. WATERING CAN.
13. BROOM.
14. FLOWER POTS.

You can get them all at the store of

W.W. Dimond & Co.
LIMITED.

Importers of.....

CROCKERY,
GLASS AND HOUSE
FURNISHING GOODS.

Nos. 53, 55 and 57 King Street,
HONOLULU.

Rock For Ballast

White and Black Sand
IN QUANTITIES TO SUIT.

EXCAVATING CONTRACTED FOR
CORAL AND SOIL FOR SALE.

Dump carts furnished by the day on
an hour's notice.

H. R. HITCHCOCK,

Office opposite Union Feed Co. on
Queen street. Telephone Main 324.

INVINCIBLE

**typewriter
paper**

**HAS NO
SUPERIOR**

Hawaii Shinpo Sha

The pioneer Japanese printing office.
The publisher of Hawaii Shinpo, the
only daily Japanese paper published in
the Territory of Hawaii.

Y. SOGA, Editor.
C. SHIOZAWA, Proprietor.
Editorial and Printing Office near
King street bridge, Fag street, P. O.
Box 907.

NEWS OF THE COURTS

Two Decisions of the Supreme Court.

SAFFREY PLEAD GUILTY

The North Kona Land Case and
Alina Estate Pilikia
Decided.

United States Deputy Marshal Henry undertook what appeared to be a formidable task Monday evening when he went on board the schooner Admiral with a warrant of arrest for Michael Swan, a burly negro sailor, charged with assault and battery.

The negro is a Brazilian, and according to the reports of all on board, made things extremely lively on the good ship Admiral during the voyage en route to this port. In a furious temper he assaulted the first mate and beat him nearly to death, and then, turning on the captain, attempted to kill him. He was put in irons and kept there during the remainder of the voyage, and although the irons rusted, there was no one on board who would undertake to change them, so vicious and ugly was the temper of the black man.

Mr. Hendry was warned that it would be dangerous to attempt to arrest the negro without assistance but pinning his faith to a Smith & Wesson six-shooter and the more gentle persuasion of a pocketful of good cigars, the chief deputy marshal boarded the schooner and approached the prisoner. At first the Brazilian was not gracious, but the officer, after asking him if he would not like to go ashore introduced himself and gently informed him that he had a warrant for his arrest, asking him to accompany him from the schooner. This the negro did, as meekly as a lamb, and when at the gang plank the officer took a General Arthur cigar from his pocket, lit it, and proffered it to the black man, the ship's officers and crew stood in wide-eyed and open-mouthed astonishment, watching the two as they departed peacefully together, enjoying their evening smokes.

Swan was arraigned at the Federal Court yesterday morning, and the court appointed T. McCants Stewart to act as his attorney. The attorney, however, refused to accept the appointment, and Judge Estee will appoint someone to defend the negro later.

DECISION IN HUI LAND CASE.

A unanimous opinion was given by the Supreme Court yesterday in the case of Hawaii Land Company, Limited, vs. Nettie L. Scott, on appeal from the District Court of North Kona, Hawaii. The opinion was written by Justice Perry.

Summary possession was claimed by the plaintiff of six shares in the company land of Hualaia 1 and 2, the complaint setting out that the premises were held by the defendant unlawfully and against the rights of plaintiff. It was alleged that defendant held the shares by virtue of a lease between D. Kahao, attorney in fact for S. H. Peters, and the defendant.

A demurrer was filed on the ground that the complaint did not state facts sufficient to constitute a cause of action. The defendant also filed a plea disputing the Court's jurisdiction. Both the plea and demurrer were overruled and judgment was subsequently rendered against the defendant.

An appeal was taken to the Supreme Court on points of law, one point being that the magistrate erred in admitting evidence to established facts not alleged in the complaint. It was also raised that where documentary evidence was taken by copy, the magistrate erred in admitting such evidence without identification on certificate that it was a correct copy.

It is held by the Supreme Court that the demurrer should have been sustained, holding that the declaration was defective in specified particulars. The Supreme Court finds that the demurrer as to its allegations of the insufficiency of facts in the complaint and of lack of jurisdiction, should have been sustained.

The case is remanded to the District Court for such further proceedings as may be proper under the opinion given. The syllabus contains the following:

"In the declaration in an action to recover summary possession of land brought under sections 1679 and 1680 of the Civil Laws, it is necessary to allege that the relation of landlord and tenant exists or has existed between the parties, how such tenancy was created, whether by lease or by parole, and how it terminated, whether by afflux of time or by reason of a forfeiture or by a statutory notice to quit."

Andrews and Peters and Andrade were attorneys for defendant and Achi and Johnson for the plaintiff.

DECISION IN ALINA ESTATE.

The Supreme Court, has rendered decision in the matter of the disallowance of administrator's fees in the estate of Alina, deceased. In this case J. A. Magoon, the administrator, appealed from the judgment of the First Circuit Court in probate, whereby the item of \$343, credited by the said administrator in his accounts as filed against himself as commissions, for which no vouchers were filed, was ordered disallowed, and the sum ordered to be credited to the estate; also that the administrator be charged with \$5 as master's fees.

It was contended by the attorneys of the applicant that courts of probate have no right to disallow the commissions of an administrator in cases of mal-administration or of failure to perform the trust.

The Supreme Court, in an opinion by Judge Perry, held as follows:

"Under the circumstances of this case, is the disallowance of all the commissions justifiable? We think not. No objections were made to the accounts or exceptions taken to the master's report by the legatees. It is fair, then, to presume that the accounts contain a correct statement of receipts and expenditures, nor has any suggestion to the contrary been made by counsel for the appellees. The master, although remarking upon the lack of vouchers for the twelve items above referred to, does not find that the payments were not made as shown by the accounts, nor does he

recommend their disallowance; nor were they disallowed by the Circuit Judge. The notice to creditors required by law was not published; no accounts were filed other than those now under consideration, and the estate was not closed within one year, which apparently could have been done, but upon the record there is no reason to believe that there has been any failure on the part of the administrator to comply with his duties in any other respect, or that any financial loss has resulted to the legatees. Under all the circumstances of the case, we think that justice to the legatees and to the administrator requires a disallowance out of the latter's commissions of the sum of \$30 and no more. Simple interest should also be charged against the administrator or the sum of \$55.56 from April 1, 1892, at the rate current during the period, the said sum being the corrected balance on hand at that date, and not since expended. A reasonable master's fee, the payment of which is made necessary by the default of the administrator, may be properly charged against the estate as a part of the expenses of the litigation. It was the administrator's neglect and delay in this case that rendered the reference necessary. The master's fee, then, whatever it is in amount, should be paid by the administrator. We think, however, that the award of \$75 is excessive. A fee of \$25 is all that in our opinion, the services rendered justify.

"The decree appealed from is reversed and the cause is remanded to the Circuit Judge of the First Circuit for such further proceedings as may be necessary in conformity with the foregoing views."

COURT NOTES.

The suit in ejectment of H. M. Mist against the Kapolei Estate was before the First Circuit Court all day yesterday and was continued until today. Magoon & Thompson and Hatch & Silliman appeared as attorneys for plaintiff and J. T. De Bolt, Attorney Kaulukou and Kinney, Ballou & McClanahan for the defendants.

The defendants in the ejectment suit of L. Ah Pau against Wong Kwai and Wong Hong Yuen yesterday filed by their attorneys, Magoon and Thompson, an answer of general denial to plaintiffs' complaint.

Return of summons has been made in the case of Hattie Kanani vs. Joseph Kaia, showing service upon the defendant by Deputy Sheriff Chillingworth.

PROBATE.

The testimony of J. K. Kaimamono, a witness to the will of the deceased in the matter of the estate of Annie N. Holokahiki, was taken yesterday by J. A. Thompson, who was by the Court appointed for that purpose upon petition of a daughter of the deceased, showing that said witness was in danger of dying and that his testimony in the matter was important.

Notice of appeal, certificate and record, and also bond on appeal, were filed yesterday in the case of Manuel Gouveia vs. Nakamura, by Ernest C. Peters, defendant's attorney.

Appeal has been duly filed in the case of T. T. French vs. Margaret Boswell by the plaintiff by his attorneys, Andrews, Peters and Andrade, from the judgment of the lower court in favor of the defendant.

"AND STILL THEY COME." J. W. Kelikoa, a member of the House of Representatives, applied yesterday to the Supreme Court to be examined preparatory to being licensed to practice law in all courts of the Territory. The applicant already holds commission to practice in the lower courts, but desires to go before the upper courts. He will be examined tomorrow morning at 10 o'clock.

FEDERAL COURT.

Thomas Saffrey, indicted by the Grand Jury on a charge of forgery, yesterday pleaded guilty before the Federal Court and was sentenced to one year's imprisonment in Oahu jail.

GOVERNOR'S COUNCIL.

The Governor and heads of departments met in secret session yesterday afternoon. Even A. G. S. Hawes, Governor Dole's private secretary, was excluded from the meeting and the proceedings were not given out.

SAN FRANCISCO, HONOLULU, NEW YORK.

215 Front St. Queen St.
43 Leonard St.

M. S. Grinbaum & Co.

LIMITED.

Importers and Commission Merchants

OFFICERS:

M. S. GRINBAUM, President.

E. J. BENJAMIN, Vice President and Manager.

A. GARTENBERG, Secretary.

M. LOUISON, Treasurer.

AGENTS FOR

BRITISH AMERICAN ASSURANCE COMPANY, of Toronto, Ontario.

THE AMERICAN FIRE INSURANCE COMPANY, of New York.

Special attention given to consignments of Coffee.

Every Morning Before Breakfast

Our wagons will serve all the

Bread, Rolls and Biscuits you

want for the day. They'll come in

the evenings, too, if you wish.

Come promptly every day. Bring

you Bread fresh from our ovens.

German Bakery

Phone White 3851.

UPPER FORT STREET

The Popular

NEW RESTAURANT.

Opened on Bethel Street, back of the Postoffice.

BOARD, \$4.50 PER WEEK; MEALS, 25 CENTS.

Everything new, clean and first-class.

Orpheum Cafe.

BOARD \$4.50 per week.

Everything First-class. Single Meals, 25 Cents.

THE FIRST American Savings & Trust Co.

OF HAWAII, LTD.

Capital, \$250,000.00.

President Cecil Brown

Vice President M. P. Robinson

Cashier W. G. Cooper

Principal Office: Fort, near Merchant Street.

Branch Office: Hilo, Hawaii.

Conducts a General Banking Business

AT HONOLULU AND HILO.

SAVINGS DEPOSITS received and interest allowed for yearly deposits at the rate of 4% per cent per annum. Rules and regulations of savings department furnished upon application.

ALEXANDER & Baldwin

LIMITED.

OFFICERS:

H. P. Baldwin President

J. B. Castle First Vice President

W. M. Alexander Second Vice President

J. P. Cooke Treasurer

W. O. Smith Secretary and Auditor

Sugar Factors

Commission Merchants

AGENTS FOR

Hawaiian Commercial & Sugar Co.,

Hauku Sugar Company,

Pala Plantation Company,

Nahiku Sugar Company,

Kihikihi Plantation Company,

Hawaiian Sugar Company,

Kahului Railroad Company,

and

British-American Line.

Hawaii Land Co.

LIMITED.

Capital Stock \$100,000.

Capital, paid up \$55,000.

OFFICERS.

W. C. Achi President and Manager

M. K. Nakulua Vice President

J. Makainal Treasurer

Enoch Johnson Secretary

George L. Desha Auditor

BOARD OF DIRECTORS.

Jonah Kumalae, J. Makainal,

J. W. Biplikane.

The above Company will buy, lease, or sell lands in all parts of the Hawaiian Islands; and also has houses in the city of Honolulu for rent.

Hawaiian Trust & Investment COMPANY, LTD.

ACTS AS EXECUTOR, ADMINISTRATOR, TRUSTEE, ASSIGNEE AND RECEIVER.

FINANCIAL AGENT FOR INDIVIDUALS OR CORPORATIONS.

ACTS AS TRUSTEE OF CORPORATION MORTGAGES.

ASSUMES ENTIRE CHARGE OF REAL ESTATE.

DIVIDENDS AND INTEREST COLLECTED AND REMITTED.

BONDS, STOCKS AND SECURITIES BOUGHT AND SOLD ON COMMISSION AT THE STOCK EXCHANGE OR ELSEWHERE.

SAFES TO RENT IN BURGLAR-PROOF VAULTS.

E. D. TENNEY President

E. A. MOTT-SMITH Vice President

G. R. CARTER Treasurer

J. R. GALT Secretary

C. H. COOKE Auditor

S. M. BALLOU Director

W. F. ALLEN Director

ESTABLISHED IN 1853.

BISHOP & CO

—Bankers—

TRANSACT A GENERAL BANKING AND EXCHANGE BUSINESS.

Commercial and Travelers' Letters of Credit issued, available in all the Principal Cities of the World.

INTEREST allowed after July 1, 1898, on fixed deposits: 7 days' notice, 2 per cent (this form will not bear interest unless it remains undisturbed for one month); 3 months, 2 per cent; 6 months, 2½ per cent; 12 months, 4 per cent.

CASTLE & COOKE CO., Ltd.

HONOLULU.

Commission Merchants

SUGAR FACTORS.

AGENTS FOR

The Ewa Plantation Company.

The Waiwala Agricultural Co., Ltd.

The Kohala Sugar Company.

The Waimea Sugar Mill Company.

The Fulton Iron Works, St. Louis, Mo.

The Standard Oil Company.

The George F. Blake Steam Pumps.

Western's Centrifugals.

The New England Mutual Life Insurance Company, of Boston.

The Aetna Fire Insurance Company, of Hartford, Conn.

The Alliance Insurance Company, of London.

THE BANK OF HAWAII LIMITED.

Incorporated under the Laws of the Territory of Hawaii.

PAID UP CAPITAL - \$600,000

RESERVE - 50,000

UNDIVIDED PROFITS - 121,000

OFFICERS AND DIRECTORS.

Charles M. Cooke President

P. C. Jones Vice President

C. M. Cooke Cashier

F. C. Atherton Assistant Cashier

Henry Waterhouse, Tom May, F. W. Macfarlane, E. D. Tenney, J. A. McCandless.

Solicits the Accounts of Firms, Corporations, Trusts, Individuals, and will promptly and carefully attend to all business connected with banking entrusted to it. Sell and Purchase Foreign Exchange, Issue Letters of Credit.

SAVINGS DEPARTMENT.

Ordinary and Term Deposits received and interest allowed in accordance with rules and conditions printed in passbooks, copies of which may be had on application.

Judd Building, Fort Street.

Claus Spreckels. Wm. G. Irwin

Claus Spreckels & Co Bankers

HONOLULU, H. T.

SAN FRANCISCO AGENTS—THE NEVADA NATIONAL BANK OF SAN FRANCISCO.

DRAW EXCHANGE ON

SAN FRANCISCO—The Nevada National Bank of San Francisco.

LONDON—The Union Bank of London, Ltd.

NEW YORK—American Exchange National Bank.

CHICAGO—Merchants' National Bank.

PARIS—Credit Lyonnais.

BERLIN—Dresdener Bank.

HONGKONG AND YOKOHAMA—Hongkong and Shanghai Banking Corporation.

NEW ZEALAND AND AUSTRALIA—Bank of New Zealand.

VICTORIA AND VANCOUVER—Bank of British North America.

Transact a General Banking & Exchange Business

Deposits Received, Loans made on Approved Security, Commercial and Travelers' Credits Issued, Bill of Exchange Bought and Sold.

COLLECTIONS PROMPTLY ACCOUNTED FOR.

BISHOP & CO.

SAVINGS BANK

Office at bank building on Merchant street.

Savings Deposits will be received and interest allowed by this Bank at 4% per cent per annum.

Printed copies of the Rules and Regulations may be obtained on application.

BISHOP & CO.

Honolulu, September 7, 1898.

THE YOKOHAMA SPECIE BANK LIMITED.

Subscribed Capital . . Yen 24,000,000

Paid Up Capital . . Yen 18,000,000

Reserved Fund . . Yen 2,310,000

HEAD OFFICE: YOKOHAMA.

INTEREST ALLOWED.

On Fixed Deposit for 12 months, 4 per cent per annum.

On Fixed Deposit for 6 months, 3½ per cent per annum.

On Fixed Deposit for 3 months, 3 per cent per annum.

The bank buys and receives for collection Bills of Exchange, issues Drafts and Letters of Credit, and transacts a general banking business.